



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

July 17, 2002

Alan C. Lloyd, Chairman
Air Resources Board
1001 "T" Street, 23rd Floor
Sacramento, CA 95814

Subject: Proposed Diesel Particulate Matter Control Measure for On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles

Dear Chairman Lloyd:

Thank you for the opportunity to comment on the Air Resources Board's (ARB) proposed rule to control diesel particulate matter for diesel fueled solid waste collection vehicles. We are submitting the following information to have our position formally recorded. The City of Milpitas has comments on two items: A) proposed enforcement responsibility and B) proposed installation exceptions.

A) Enforcement. In its current state, the proposed regulation requires that local agencies perform both enforcement and inspection roles. We believe that the ARB provides the best expertise and consistency for enforcement. Specifically:

- It should be the responsibility of the waste hauler fleet to develop a retrofit implementation plan, including identification of Best Available Control Technology and cost, and submit the plan to the ARB for review.
- ARB would approve or certify the presented implementation plan.
- The waste hauler could submit the ARB approved/certified plan to the City as a cost of compliance as part of its business plan.

Under these revised conditions, the City would be removed from any enforcement role which should ultimately be the ARB's responsibility. It also does not abrogate any contracts or franchises and retains the usual rate review relationship between the hauler and the City of Milpitas.

B) Exceptions. The City of Milpitas is concerned that there will be excessive expenditure made without commensurate benefits under the proposed rules. The City's current agreement with the local waste hauler is scheduled to expire in 2007. Any regulations requiring a retrofit of diesel garbage trucks prior to 2007 would necessitate expenses that are outside the normal budgeted funding. In our case, the local fleet would be mothballed after 2007 resulting in the waste of improvement expenditures, and an additional cost for a new fleet with the proper controls. This would in effect result in a doubling of expenditures, which is difficult in this time of financial hardship. We therefore request that the exceptions be expanded or an implementation waiver be included to recognize in cases where franchises agreements terminate and complete fleet replacement occur before 2010.

We are not opposed to the intent of the regulations but are concerned about the undue burden the proposed rules, as written, would have upon municipalities. Again, we appreciate the opportunity to comment.

Sincerely,

Jose Esteves
Mayor

cc: Milpitas City Council
League of California Cities
City Manager
City Engineer
Utility Engineer